

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.79518-M of 2006

Date of Decision:- 05.02.2007

Vijay Kumar @ Sunny & ors.

....Petitioner(s)

through

Mr.C.L.Verma, Advocate.

vs.

State of Punjab & ors.

....Respondent(s)

through

Mr.Amit Khanna, AAG, Punjab.

Mr.Ashok Sharma, Advocate for
respondent Nos.2 to 4.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.211 dated 27.7.2005 under Sections 363/366 registered at Police Station, Division No.6, Jalandhar in which subsequently offence under Section 376 and 120-B IPC was also added.

The above-stated F.I.R. was got registered on the statement of Smt.Satya Rani-respondent No.2., she being the mother of Ruchi-respondent No.3.

There is no denial on behalf of the petitioners and/or learned counsel representing respondent Nos.2 to 4 that petitioner No.1 and respondent No.3 (Vijay Kumar and Ruchi), got married on their own on 9.11.2005 and are living together as husband and wife. The factum of their marriage is also now duly accepted and recognized by respondent No.2-the complainant.

Since the F.I.R. was lodged with an allegation that petitioner No.1 along with his co-accused had abducted the daughter of the

complainant and had subsequently committed rape upon her, it is apparent that the continuance of criminal proceedings arising out of the impugned F.I.R. is an exercise in futility as neither the complainant nor her daughter are supporting those allegations. On the contrary, it is an admitted fact that petitioner No.1 and the daughter of the complainant have married each other and are now happily settled as husband and wife.

There can, thus, be no other conclusion but to hold that the impugned F.I.R. and the proceedings arising therefrom are an abuse of process of law.

Consequently, this petition is allowed; the impugned F.I.R.No.211 dated 27.7.2005 and all the proceedings arising therefrom are hereby quashed.

February 05, 2007
poonam

(SURYA KANT)
JUDGE